



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
PLAN AMENDMENT/REZONING REPORT**

▶ **FILE #:** 9-C-12-RZ
9-C-12-SP

AGENDA ITEM #: 33
AGENDA DATE: 9/13/2012

▶ **APPLICANT:** ROBERT A. MAPLES
OWNER(S): Robert A. Maples

TAX ID NUMBER: 51 D B 011
JURISDICTION: Commission District 8

▶ **LOCATION:** Southeast side Three Points Rd., southwest of Mascot Rd.

▶ **TRACT INFORMATION:** 0.45 acres.

SECTOR PLAN: Northeast County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Three Points Rd., a local street with 21' of pavement width within 40' of right-of-way.

UTILITIES: Water Source: Northeast Knox Utility District
Sewer Source: Knoxville Utilities Board

WATERSHED: Holston and French Broad

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential) / RA (Low Density Residential)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** C (Commercial) / CA (General Business)

▶ **EXISTING LAND USE:** Residence

▶ **PROPOSED USE:** Commercial use

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of C plan designation from the northeast

HISTORY OF ZONING REQUESTS: None noted for this site

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Three Points Rd.- Vacant land, dwellings / O / A (Agricultural)
South: Dwelling / LDR / RA (Low Density Residential)

East: Dwelling / C / RA (Low Density Residential) and CA (General Business)

West: Dwelling / LDR / RA (Low Density Residential)

NEIGHBORHOOD CONTEXT: This area is developed primarily with agricultural and low density residential uses, under A and RA zoning. There are two CA zoned areas to the northeast and southwest that are underutilized as far as commercial uses are concerned. There are only a few existing businesses in operation in those areas. Three of the CA zoned businesses have frontage on Rutledge Pike, a major arterial highway. Most of the CA zoned properties are currently developed with existing residences.

STAFF RECOMMENDATION:

- ▶ **ADOPT RESOLUTION #9-C-12-SP, amending the Northeast County Sector Plan to O (Office) and recommend that Knox County Commission also approve the sector plan amendment, to make it operative. (See resolution, Exhibit A.) (Applicant requested C.)**

Office use of this property would be more appropriate than commercial because of the adjacent residential uses and the access being limited to Three Points Rd., which is classified as a local street. There are already two commercially zoned areas established nearby that are underutilized. Office use of the subject property will establish a transition between commercial uses to the northeast and residential uses to the southwest.

- ▶ **RECOMMEND that County Commission APPROVE OA (Office Park) zoning. (Applicant requested CA.)**

For this site, OA is the most appropriate non-residential zone for the subject property. There is already a substantial amount of CA zoned land in the vicinity of the site, all of which has direct access to either Mascot Rd. or Old Rutledge Pike, and it is underutilized. OA zoning gives the applicant reasonable use of the property and establishes a transition between commercial and residential uses.

COMMENTS:

SECTOR PLAN REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

No known improvements have been made to Three Points Rd. or Old Rutledge Pike in the vicinity of this site.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The Northeast County Sector Plan appropriately ends the commercial designation at the adjacent property to the northeast, limiting the commercial designation to a small node at the intersection of Mascot Rd. and Old Rutledge Pike. Office uses are appropriate to create a transition area between commercial and residential uses.

CHANGES IN GOVERNMENT POLICY, SUCH AS A DECISION TO CONCENTRATE DEVELOPMENT IN CERTAIN AREAS:

No changes in government policy impact this proposal. Office is generally considered to be an appropriate transitional use between commercial and residential uses.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

There are no trends in development, population or traffic that warrant a plan amendment to commercial, as requested.

REZONING REQUIREMENTS FROM ZONING ORDINANCES (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

1. OA is the most appropriate non-residential zone for this site, which only has access to Three Points Rd., a local residential street.
2. CA zoning is not appropriate at this location because of the limited access from a local street only, and because there are numerous other properties in the area that are already zoned CA, and are underutilized. Many of the CA zoned properties in the area are used only for residential purposes at this time.
3. Establishment of OA zoning at this location will create a transitional area between commercial and residential uses and will discourage further unnecessary extension of CA zoning to the west along Three Points Rd.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. The requested CA zoning district is for general retail business and services, but not for manufacturing or for processing materials.
2. The recommended OA zoning district is intended for office and other uses of similar intensity. It is a zone that is intended to allow uses that are compatible with surrounding residential areas and to serve as a transitional area from residential to other less compatible areas.
3. The subject property is more appropriate for OA uses than CA uses.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT:

1. Public water is available to serve the site. Sanitary sewer is available in the area, but may have to be extended, if necessary, to serve this site.
2. The proposal will have no impact on schools, and the traffic impact will depend on the type of uses that are proposed. Office uses generate much less traffic than commercial uses. Three Points Rd. is too narrow to provide access to commercial uses and is classified as a local street.
3. OA zoning is compatible with surrounding development and should have a minimal impact on adjacent properties.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. With the recommended amendment from LDR to O, OA zoning would be consistent with the Northeast County Sector Plan. In order to consider the requested CA zoning, the sector plan would have to be amended to C.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of these requests could lead to future requests for office, commercial or similar zoning in the surrounding area. Each request would have to be considered on a case by case basis, based on its own merits.
4. The proposal does not present any apparent conflicts with any other adopted plans.

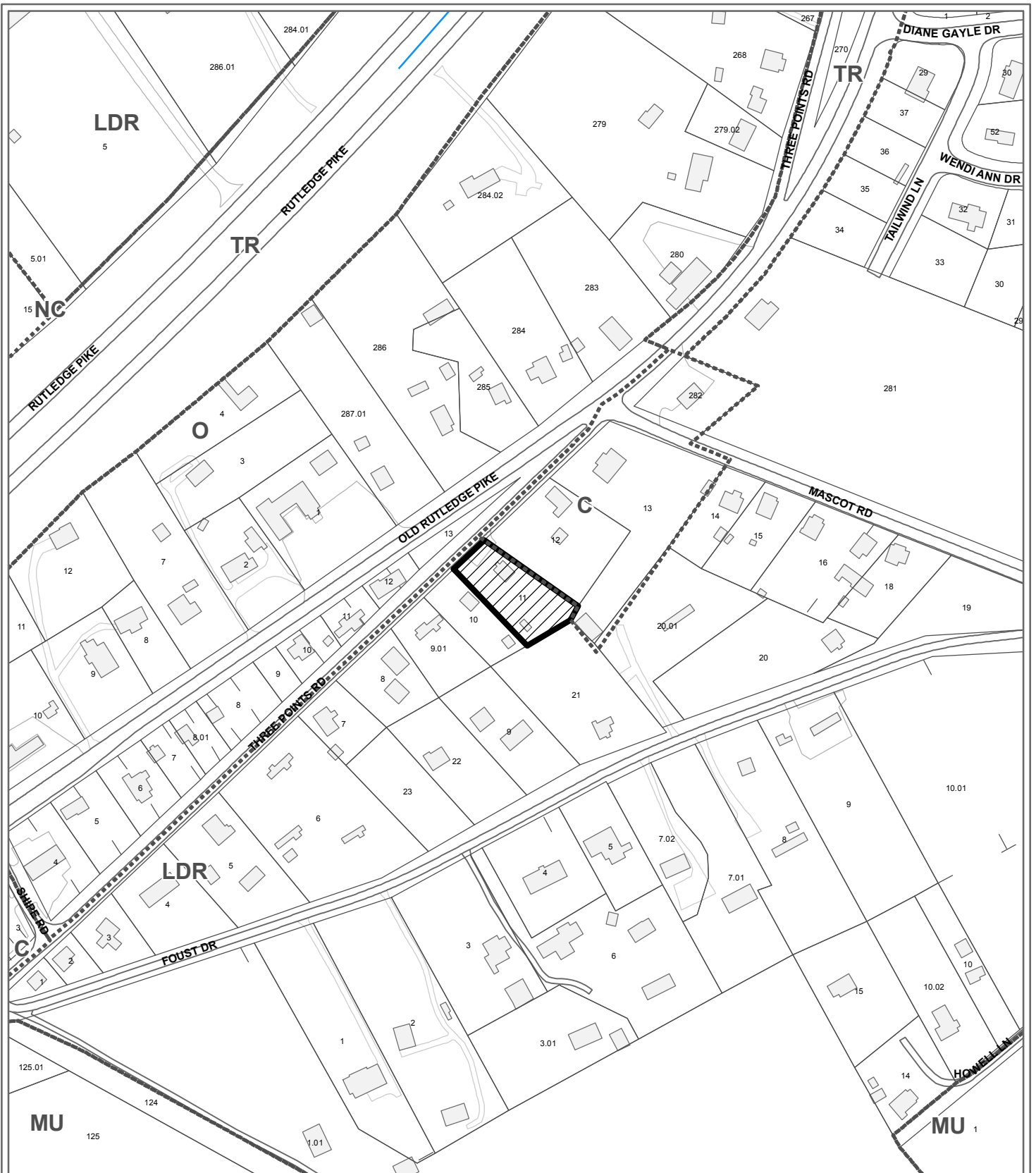
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

1. The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.
2. The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action, the Legislative Body may approve the amendment by majority vote and the amendment is operative.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 10/22/2012. If denied, MPC's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.



**9-C-12-SP / 9-C-12-RZ
NORTHEAST COUNTY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential)

To: C (Commercial)



Petitioner: Maples, Robert A.

Map No: 51

Jurisdiction: County



Original Print Date: 8/22/2012 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**9-C-12-RZ
REZONING**

From: RA (Low Density Residential)
To: CA (General Business)



Petitioner: Maples, Robert A.

Map No: 51
Jurisdiction: County



Original Print Date: 8/22/2012
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

**KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION
A RESOLUTION AMENDING THE NORTHEAST COUNTY SECTOR PLAN**

***WHEREAS**, the Knoxville-Knox County Metropolitan Planning Commission, a regional planning commission established pursuant to state statute, has the duty to make, adopt and amend plans for the physical development of Knoxville and Knox County; and*

***WHEREAS**, the Metropolitan Planning Commission pursuant to state statute has prepared and adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and*

***WHEREAS**, the Council of the City of Knoxville and the Commission of Knox County have adopted the Knoxville Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and*

***WHEREAS**, the Metropolitan Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the Northeast County Sector Plan, consistent with the requirements of the General Plan; and*

***WHEREAS**, the Knoxville-Knox County General Plan 2033, provides criteria for periodic updates and amendments of the land use maps contained within sector plans initiated by the Planning Commission or in response to applications from property owners; and*

***WHEREAS**, Robert A. Maples, has submitted an application to amend the Sector Plan from Low Density Residential to Commercial for property described in the application; and*

***WHEREAS**, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the Northeast County Sector Plan, consistent with General Plan requirements that such amendment represents either a logical extension of a development pattern, or is warranted because of changing conditions in the sector as enumerated in the Plan; and*

***WHEREAS**, the Metropolitan Planning Commission, at its regularly scheduled public hearing on September 13, 2012, after consideration of the staff recommendation and testimony from those persons in support and opposed to the sector plan amendment, approved the amendment for the subject property, as requested, and/or amended.*

NOW, THEREFORE, BE IT RESOLVED BY THE KNOXVILLE-KNOX COUNTY METROPOLITAN PLANNING COMMISSION:

SECTION 1: The Planning Commission hereby adopts the revised amendment to the Northeast County Sector Plan, with its accompanying, staff report and map, file #9-C-12-SP.

SECTION 2: This Resolution shall take effect upon its approval.

SECTION 3: The Planning Commission further recommends that The Knox County Commission likewise consider this revised amendment to the General Plan 2033.

Date

Chairman

Secretary